

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ANTHONY GEORGE BELL

Plaintiff,

-against-

THE CITY OF NEW YORK,

Defendant.

21-CV-2792 (VSB)

ORDER OF SERVICE

VERNON S. BRODERICK, United States District Judge:

Plaintiff, who is appearing *pro se*, brings this action against the City of New York, alleging violation of his civil rights and discrimination because of his race and medical condition. By order dated August 10, 2021, the Court granted Plaintiff's request to proceed without prepayment of fees, that is, *in forma pauperis* (IFP).

**DISCUSSION**

**A. Praxis Housing Initiatives, Inc.**

Plaintiff alleges that the City of New York helped Praxis Housing Initiatives, Inc. discriminate against him. In light of Plaintiff's *pro se* status and clear intention to assert claims against Praxis Housing Initiatives, Inc., the Court construes the amended complaint as also asserting claims against Praxis Housing Initiatives, Inc., and directs the Clerk of Court to amend the caption of this action to add Praxis Housing Initiatives, Inc., as a Defendant. *See* Fed. R. Civ. P. 21. This amendment is without prejudice to any defenses the City of New York may wish to assert.

**B. Service on the City of New York and Praxis Housing Initiatives, Inc.**

Because Plaintiff has been granted permission to proceed IFP, Plaintiff is entitled to rely on the Court and the U.S. Marshals Service to effect service. *Walker v. Schult*, 717 F.3d. 119, 123

n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP)). Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that summonses and the complaint be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have served summonses and the amended complaint until the Court reviewed the amended complaint and ordered that summonses be issued. The Court therefore extends the time to serve until 90 days after the date summonses are issued. If the amended complaint is not served within that time, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service); *see also Murray v. Pataki*, 378 F. App’x 50, 52 (2d Cir. 2010) (“As long as the [plaintiff proceeding IFP] provides the information necessary to identify the defendant, the Marshals’ failure to effect service automatically constitutes ‘good cause’ for an extension of time within the meaning of Rule 4(m).”).

To allow Plaintiff to effect service on Defendants the City of New York and Praxis Housing Initiatives, Inc., through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for each of these defendants. The Clerk of Court is further instructed to issue summonses and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon these defendants.

Plaintiff must notify the Court in writing if his address changes, and the Court may dismiss the action if Plaintiff fails to do so.

### CONCLUSION

The Clerk of Court is directed to add, under Fed. R. Civ. P. 21, Praxis Housing Initiatives, Inc. as a Defendant.

The Clerk of Court is further instructed to issue summonses, complete the USM-285 forms with the addresses for the City of the New York and Praxis Housing Initiatives, Inc., and deliver all documents necessary to effect service to the U.S. Marshals Service.

The Clerk of Court is directed to mail a copy of this order to Plaintiff, together with an information package.

SO ORDERED.

Dated: February 15, 2022  
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick", written over a horizontal line.

VERNON S. BRODERICK  
United States District Judge

**DEFENDANTS AND SERVICE ADDRESSES**

1. The City of New York  
100 Church Street  
New York, New York 10007
2. Praxis Housing Initiatives, Inc.  
130 West 29<sup>th</sup> Street, 7<sup>th</sup> Floor  
New York, New York 10001